IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

WP(C).No. 36064 of 2004(R)

PETITIONER:

K.BABURAJ, GOVERNMENT CONTRACTOR,
NARAYANA MANDIRAM, OORAMANA P.O. MUVATTUPPUZHA,
ERNAKUALAM DISTRICT.

BY ADV. SRI.T.K.MARTHANDAN UNNITHAN,
SRI.V.JAYAKUMAR,
SRI.K.P.UNNIKRISHNAN.

RESPONDENTS:
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1. **THE STATE OF KERALA, REP. BY THE CHIEF SECRETARY, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.**
2. **THE CHIEF ENGINEER, P.W.D. (R&B), THIRUVANANTHAPURAM.**
3. **THE SUPERINTENDING ENGINEER (R&B) CENTRAL CIRCLE, ALUVA, ERNAKULAM DIST.**
4. **THE EXECUTIVE ENGINEER, ROADS DIVISION, MUVATTUPPUZHA, ERNAKULAM DISTRICT.**

BY GOVERNMENT PLEADER SRI. MANOJ.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/02/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH, J.

W.P.(C) NO. 36064 OF 2004 R

Dated this the 19th day of February,2007

JUDGMENT

This Writ Petition is filed with the following prayers:

> "a) a writ of mandamus or other appropriate writ, direction or order directing the respondents to pay the amount due to the petitioner and covered by the Bills and HRs (Hand Receipts) submitted by him and referred to in this Writ Petition without any further delay in the special circumstances of the case mentioned above together with 12% interest thereon from the date of submission of the respective bills and HR.
>
> b) a writ of mandamus or other appropriate writ, direction or order directing the respondents 1, 2 and 3 to consider and dispose of the representation viz. Exts.P7, P8 and P9 respectively without any further delay in the light of Exts.P1 and P3 and in the light of the Government Order Ext.P6 dated 19.8.1997."

It is submitted that the petitioner completed the work by availing huge loans with very high rate of interest within the stipulated time, 31.12.2003, and the bridge itself was inaugurated on 16.1.2004.

It is further submitted that as there is no dispute regarding entitlement of the petitioner, he is entitled to get interest on the bill amounts in view of the decision of this Court in **State of Kerala** v. **Anil** (2002 (1) KLT 371). There is no counter affidavit.

2. There will be a direction to the first respondent to look into Exts.P7, P8 and P9 with notice to the petitioner and take appropriate action thereon in accordance with law, within a period of two months from the date of production of a copy of this judgment by the petitioner.

The Writ Petition is disposed of as above.

(KURIAN JOSEPH)
Judge

ahz/

KURIAN JOSEPH,J.

W.P.(C)NO. OF

JUDGMENT

19th February, 2007